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2 CITY COUNCIL

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CITY OF NEW YORK

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THE TRANSCRIPT OF THE MINUTES

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of the

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COMMITTEE ON YOUTH SERVICES

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October 23, 2006

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Start: 10:16 a.m.

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Recess: 3:58 p.m.

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City Hall

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Council Chamber

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New York, New York

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B E F O R E:

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LEWIS FIDLER

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Chairperson,

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COUNCIL MEMBERS:

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Alan Gerson

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Miguel Martinez

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Sara Gonzalez

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Melissa Mark-Viverito

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Darlene Mealy

25

Dennis Gallagher

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James Oddo

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Simcha Felder

28

Bill DeBlasio

29

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18 Our first panel of witnesses are all  
19 from the Department of Education, from the Public  
20 School Athletic League. We have Marty Oestreicher,  
21 David Douglas and Eric Goldstein.

22 Gentlemen, as I ask you to testify, I  
23 will make the comment I make to every witness who  
24 comes before this Committee: Please don't read  
25 testimony verbatim. Just speak to us as the high

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2 points and from your heart and mind.

3 Gentlemen.

4 MR. OESTREICHER: I will read a little  
5 bit and I will try to ad lib.

6 I just want to thank you, Chairperson  
7 Fidler, and the members of the Youth Service  
8 Committee for giving me the opportunity to talk to  
9 you regarding use of wooden aluminum bats.

10 I'm Marty Oestreicher. I'm Chief  
11 Executive for the Office of School Support Services,  
12 which oversees the PSAL.

13 I just want to say at the outset of  
14 the hearing, Council Member Oddo's strong passionate  
15 opening statement, that we feel that the PSAL second  
16 to none in our priorities, which is the safety of  
17 our kids. For those who don't know, the PSAL is

18 committed to playing over 12,000 games and matches  
19 under the safest possible conditions. I have to say  
20 our safety record is second to none, and will bow  
21 down to no one on that particular issue.

22 I'm extremely proud of our record in  
23 this regard, and we believe we have procedures in  
24 place to protect our student athletes to the  
25 greatest extent possible.

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2 We have a vibrant league, the largest  
3 in the nation. Thirty-five thousand students from  
4 180 high schools, 2,400 teams competing in 44  
5 sports, that's boys and girls sports.

6 We play more games in major league  
7 baseball than the NFL, the NBA combined. And I think  
8 if you check our safety record, you'll see it's  
9 quite good.

10 However, we do share the sentiments  
11 of the bill's sponsors. Safety for us is number one.  
12 And our baseball league does use aluminum bats, and  
13 we've been using them for quite awhile. And at this  
14 point our safety record in baseball is amazingly  
15 low. We have very, very few baseball injuries of any  
16 kind or by bats. I hear what the Council Member

17 said, why wait for the first incident to happen. But  
18 basically we have an excellent safety record. There  
19 has been very few baseball injuries, when you think  
20 about the number of kids who play and the very low  
21 number of injuries and low number of injuries from  
22 batted balls. Nothing close to what you described  
23 before.

24                   We don't operate independently. We  
25 operate under rules of the National Federation of

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2 the State High School Associations, and under the  
3 rules of the New York State Association, which is  
4 part of that.

5                   And we do rely on them for their  
6 guidance on these type of issues. We work closely  
7 with them. We have sought their advice on the issue.  
8 And it is the federation's opinion that aluminum  
9 bats do not represent a significantly greater risk  
10 than wooden bats.

11                   And in our research across the  
12 country, very, very few, with very few exceptions,  
13 aluminum bats are used by high schools and by  
14 colleges.

15                   So, you know, the federation in the  
16 country, and in State federation, they tell us

17 they've reviewed this very carefully. They have  
18 established a ball exit speed ratio, which you've  
19 questioned before, but based on their assurances and  
20 their studies, we have continued to use the aluminum  
21 bats.

22                   The State High School, New York State  
23 Public High School Association conducted a survey in  
24 2004 and '05, and they also reported that the  
25 injuries, and they questioned coaches throughout the

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2 State, were very insignificant. Too insignificant to  
3 push any sort of a policy change.

4                   However, you know, it is true that  
5 aluminum bats provide better offense for players at  
6 the marginal levels and the good players because  
7 their ability to perhaps swing, get around the ball  
8 a little better, and get a better hit. But, again,  
9 based on what we have learned from the federations  
10 and so forth, the overall speeds are not at any  
11 level that present a greater danger than wooden  
12 bats.

13                   Now, the Council Member said those  
14 studies are flawed, and influenced by other players,  
15 and he calls for an exhaustive study totally neutral

16 and objective, and we will certainly welcome that  
17 kind of study, if there is any study or  
18 incontrovertible evidence that would point to a  
19 danger, a significant danger to our kids, we will be  
20 the first to work with the Council towards that.

21 But we are relying somewhat on the  
22 studies from the federations. We work with  
23 federations, the National Federation, as far as we  
24 know, these -- our organizations is dedicated to our  
25 kids and students and anyone else and concerned with

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2 their safety as well. And based on their guidance,  
3 we have not moved to eliminate the wooden bat.  
4 They've told us over and over again that they do not  
5 believe this represents a significantly greater  
6 threat to our kids.

7 Once again, studies show otherwise,  
8 you know, we will take those studies very seriously  
9 and we will act accordingly.

10 We believe that, you know, we have a  
11 very vibrant baseball league. We have a lot of  
12 participation from a lot of kids, some of our kids  
13 go to college based on their abilities in baseball,  
14 and we believe that it provides the right  
15 competitive balance. They get a lot of kids playing.

16 I'm not just talking about star kids, I'm talking  
17 about kids who want to play baseball and can play  
18 baseball.

19 And for that reason, we do oppose  
20 this bill.

21 But, again, I would just say, as you  
22 advised, I'm not reading from my testimony. I'm  
23 telling it as it is, based on what they tell me. We  
24 share your concerns regarding safety, and our  
25 concerns are second to none. Our record speaks for

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2 that. It speaks for itself, in all our sports. But,  
3 you know, we welcome the evidence that you have and  
4 that you're willing to show, and we're open on it.  
5 But right now, based on the experts that we rely on,  
6 the federations we play under, we don't see any  
7 basis to ban aluminum bats.

8 CHAIRPERSON FIDLER: Thank you.

9 Do either of your co-panelists want  
10 to add to that?

11 MR. OESTREICHER: I don't think so,  
12 no.

13 CHAIRPERSON FIDLER: No? All right. I  
14 have a few questions. I'm sure Council Member Oddo